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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Elimination of All Forms of Religious Intolerance

Note by the Secretary-General

Addendum

The Secretary-General has the honour to transmit to the members of the General Assembly Addendum 1 to the interim report on the elimination of all forms of religious intolerance, prepared by Mr. Abdelfattah Amor, Special Rapporteur of the Commission on Human Rights, in accordance with General Assembly resolution 51/93 of 12 December 1996.

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ANNEX

Addendum to the interim report on the elimination of all forms of religious intolerance, prepared by the Special Rapporteur of the Commission on Human Rights in accordance with General Assembly resolution 51/93

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I. INTRODUCTION

1. In the context of the procedure for following up in situ visits (A/52/477), the Special Rapporteur of the Commission on Human Rights wished to publish in an addendum the recommendations addressed to the Greek and Indian authorities (section II) and the replies of the Sudanese and Pakistan authorities (section III).

2. The Special Rapporteur wishes to recall that in 1996 he addressed follow-up tables to the Chinese, Pakistan and Iranian authorities (A/51/542). The Chinese authorities replied in 1996 (ibid., annex II), while the reply of the Pakistan authorities was received this year and is reproduced in this addendum (section III.B). The Iranian authorities have not yet sent any reply.

3. In 1997, follow-up tables were sent to the Greek, Indian and Sudanese authorities and the recommendations are reproduced in this addendum. The Sudanese authorities replied very quickly - a fact which should be emphasized - and the reply is also included in this report (section III.A).

II. FOLLOW-UP TABLES

A. Follow-up table addressed to the Greek authorities

4. The Special Rapporteur addressed, in tabular form, a number of recommendations concerning legislation and policy, as well as general recommendations to the Greek authorities. At the same time, he invited them to indicate their comments, as well as measures undertaken and/or envisaged by their Government, in the space provided in the table. The recommendations of the Special Rapporteur are set out below.

1. Legislation

Taking into account, in particular, paragraph 134 of the report of visit,[1] removal of the legal prohibition against proselytism in the Necessity Acts is very strongly recommended. Failing this, proselytism could be defined in such a way as to leave appropriate leeway for the exercise of religious freedom, taking into account, inter alia, the decision of the European Court of Human Rights concerning the case Kokkinakis 25/05/93

Taking into account, in particular, paragraph 135 of the report of visit.[1] With regard to legislation governing places of worship, the Special Rapporteur is in favour of abolishing the Necessity Acts and elaborating a new law which would dispense with the need to seek the opinion of the Orthodox Church for the construction of places of worship and would confer on the State the competence to guarantee religious freedom, limited only by such restrictions as are internationally accepted

Taking into account, in particular, paragraph 136 of the report of visit.[1] With regard to the legislation on identity cards, which provides for mention to be made of the holder's religion, the Special Rapporteur recalls

the resolution of the European Parliament which considered this provision first, as a violation of the fundamental freedoms of the individual, particularly freedom of opinion and religious freedom, which are the exclusive province of the human conscience and, second, as a provision that should be abolished. The Special Rapporteur fully supports this resolution

Taking into account, in particular, paragraph 137 of the report of visit.[1] As regards the legislation governing conscientious objection, while acknowledging the efforts made by the Greek authorities, the Special Rapporteur recalls the relevant resolutions of the Commission on Human Rights and recommends the elaboration and adoption of legislation offering service of a non-combatant or civilian character, in the public interest and not of a punitive nature. In the event that a problem arises concerning constitutionality, particularly with regard to article 4, paragraphs 1 and 6, concerning the equality of all before the law and the contribution of citizens to the defence of their country, the Special Rapporteur recommends a revision of the Constitution in order to include a provision guaranteeing the right of conscientious objection

Taking into account, in particular, paragraph 138 of the report of visit.[1] As for the special provisions concerning Muslims and, more particularly, muftis and waqfs, the Special Rapporteur recalls article 6, subparagraph (g), of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,[2] which guarantees freedom to train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief

Taking into account, in particular, paragraph 139 of the report of visit.[1] The Special Rapporteur believes it necessary for the Greek authorities to comply fully and in good faith with the Treaty of Lausanne and with the country's international undertakings. He also recalls the need to refrain from interfering in the affairs of a religion, apart from the restrictions provided for in international law, and calls for respect for the traditions of each religious group within the framework of internationally recognized norms

Taking into account, in particular, paragraph 140 of the report of visit.[1] The Special Rapporteur also emphasizes that the status of the Muslims of Thrace, and in particular that of the muftis and waqfs, should not be subordinated to considerations concerning Turkey, and strongly urges the parties involved to comply with their international undertakings, especially the Treaty of Lausanne

Regarding other legal issues, while noting the ratification by the Parliament of the International Covenant on Civil and Political Rights on 6 February 1997, the instrument of ratification is pending

2. Implementation of the legislation and policy in force

Taking into account paragraph 144 of the report of visit.[1] With regard to places of worship, the Christian minorities are encountering severe

difficulties in obtaining building permits because of the negative opinions frequently expressed by the Orthodox Church, which although not legally binding in practice are often binding on the authorities. The Necessity Acts are invoked in order to punish anyone responsible for illegal places of worship. Moreover, places of worship and religious objects have been the targets of sporadic attacks of vandalism

Taking into account, in particular, paragraph 151 of the report of visit.[1] With regard to the problems related to legal recognition, places of worship, proselytism and conscientious objection for the Christian minorities, the Special Rapporteur reiterates the recommendations he made with regard to the relevant legislation. Explicit legal recognition of the most important communities, including the Catholic and Anglican Churches, is recommended

Taking into account paragraph 153 of the report of visit.[1] With regard to the Jewish community, the Special Rapporteur reiterates his recommendation regarding the legislation concerning identity cards

Taking into account paragraph 154 of the report of visit.[1] As far as the Muslim minority in Thrace is concerned, the Special Rapporteur notes a static, unsatisfactory and prejudicial situation, especially in the religious sphere. The Muslim community in Thrace is beset with serious tensions and restrictions regarding the appointment of muftis, administration of wagfs and religious teachers. Priority should be given to satisfying the legitimate religious needs of the Muslims of Thrace, calming the present religious tensions and finding a way to defuse the situation that is acceptable to both the Orthodox and Muslim communities. To this end, the Special Rapporteur reiterates his previous comments and recommendations on the relevant legislation in this area

Taking into account paragraph 155 of the report of visit.[1] Regarding places of worship and cemeteries, the Special Rapporteur notes sporadic incidents of arson, vandalism and desecration which seem to be mostly acts of provocation and intolerance on the part of Muslim and Christian extremists. The Special Rapporteur condemns these isolated occurrences of religious extremism and reminds the State of its duty to guarantee the protection of places of worship and other religious sites

Taking into account paragraph 156 of the report of visit.[1] The Special Rapporteur also encourages the removal of obstacles to the construction of mosques and notes with satisfaction the financial assistance made available for repairs and renovations

Taking into account paragraph 157 of the report of visit.[1] With regard to education, the Special Rapporteur deplores the very low level of education among the Muslim minority in Thrace and welcomes the new legislation designed to make it easier for Muslim students to gain access to higher education. The Special Rapporteur expresses the hope that this targeted policy will be extended to all levels of education, including vocational training, thus ensuring that Thracian Muslims are no longer a disadvantaged and neglected group but will have the opportunity to integrate fully into

Greek society and acquire true citizenship, thereby opening up new intellectual and cultural horizons

Taking into account paragraph 158 of the report of visit.[1] Overall, the Special Rapporteur urges all parties concerned, official and otherwise, national and foreign, to calm rather than exacerbate religious problems, thereby ensuring that religion is not subject to political intrusion and exploitation and that constants are not affected by political variables. Such interference is detrimental to the religious rights of the Muslim community and, in a wider sense, to tolerance and efforts to stamp out discrimination based on religion and belief

3. General recommendations

Taking into account paragraph 159 of the report of visit.[1] The Special Rapporteur recommends that the State should involve representatives of human rights organizations and lay and religious representatives from all religious minorities and the Orthodox Church in its religious affairs policy on a consultative basis. Such cooperation should result in a coherent religious affairs policy focused on tolerance and non-discrimination, in line with the revised legislation and based on the principle of respect for the rights and freedoms of each religious community, regardless of whether it is a State religion or a minority religion

Taking into account paragraph 159 of the report of visit.[1] The State should also adopt and apply administrative, disciplinary, training and other measures in order to forestall and penalize any act of intolerance or discrimination on the part of the authorities, for example in matters having to do with access to administrative posts for members of religious minorities, permits for places of worship, respect in the school system for religious beliefs and convictions, and so forth

Taking into account paragraph 159 of the report of visit.[1] The Special Rapporteur believes that special efforts should be made to promote and develop a culture of tolerance and human rights. The Greek authorities could play an active role in increasing awareness of the values of tolerance and non-discrimination based on religion and belief. In this respect, the Special Rapporteur is firmly convinced that lasting progress could be made chiefly through education and especially through the schools by ensuring that school curricula, school textbooks and properly trained teachers disseminate a culture that promotes tolerance in the fields of religion and belief

Taking into account paragraph 159 of the report of visit.[1] Because he noted problems of intolerance and discrimination in the fields of administration of justice and the media, the Special Rapporteur believes that it would be appropriate to make use of the United Nations programme of advisory services in the field of human rights.[3] Appropriate training of the personnel of the judicial system, the administration in general and the media in the areas of tolerance and non-discrimination based on religion and belief would be extremely useful

Taking into account paragraph 159 of the report of visit.[2] The Special Rapporteur also wishes to stress the importance of establishing a permanent interfaith dialogue between religious minorities and the Orthodox Church in order to combat all forms of intolerance and religious discrimination

Taking into account paragraph 159 of the report of visit.[2] The Special Rapporteur reiterates the need to shield religious matters from political tensions and struggles so that religious freedom may express itself in characteristic contemplation and serenity, thereby benefiting all religious faiths, Greek society in general, religious freedom and human rights.

B. Follow-up table addressed to the Indian authorities

5. Set out below are the recommendations addressed in tabular form to the Indian authorities by the Special Rapporteur. The Special Rapporteur at the same time invited the authorities to indicate their comments, as well as measures undertaken and/or envisaged by their Government, in the space provided in the table.

Taking into account paragraph 86 of the report of visit.[4] The maintenance of religious tolerance presupposes not only economic development, education and a campaign against poverty in order gradually to eliminate the caste system which still survives in practice, but also more informed participation in political life and greater participation in economic life by the population as a whole as a means of preventing the political exploitation of religion to the detriment of tolerance and communal harmony

Taking into account paragraph 91 of the report of visit.[4] Steps must be taken to increase awareness of the existence and dangers of extremism because, despite the fact that it is confined to a minority, its influence on the masses through political parties, places of worship, schools and even seats of power, could well destroy community and religious harmony in India. With a view to safeguarding religious tolerance and thus ensuring the protection of the rights and freedoms guaranteed by law to religious communities (freedom of belief, freedom to practise a religion and therefore to proselytize, to change religion, etc.), the Special Rapporteur wishes to make certain recommendations designed to combat extremism of all kinds

Taking into account paragraph 92 of the report of visit.[4] The Special Rapporteur considers it essential that the Representation of the Peoples Act, 1951, should be scrupulously implemented and that in addition it should be speedily supplemented by a new act debarring political parties from the post-election use of religion for political ends. As the riots in Ayodhya, Bombay and Punjab have shown, religious parties, spokesmen and standard-bearers are not always of a nature to promote tolerance and human rights

Taking into account paragraph 93 of the report of visit.[4] The Special Rapporteur also considers that places of worship should be used exclusively for religious, and not political, purposes. As places for prayer and

meditation, they should be protected against tension and partisan struggle. The State should therefore ensure that places of worship remain neutral ground and are sheltered from political currents and ideological and partisan controversy. In this connection the Special Rapporteur urges that the dispute concerning Ayodhya should be settled on terms acceptable to the Muslim and Hindu communities. Although the Babri Masjid case can be partially settled by legal means, it must be approached with an exceptional degree of caution and an equally exceptional degree of wisdom. Calling into question situations and rights that are rooted in the distant past is likely to open the door to a sequence of events which could have unforeseeable consequences and in particular lead, through acts of violence performed in the name of an extremist conception of religion, to disorders in various parts of India, the news of which, as it spreads internationally and, more especially, throughout the region, may affect peace and security within the region. The most logical solution would seem to be to restore these places of worship as they were before the riots occurred - unless the religious communities concerned decide to effect a symbolic exchange as a means of cooling passions and reducing tensions. The authorities must remain on the watch to prevent the recurrence of such traumatic incidents, which are sources of division and hate between communities. It is important that the Indian authorities should be fully aware that the dangers in this area are not purely theoretical

Taking into account paragraph 94 of the report of visit.[4] The financial dependence of political and religious movements on foreign countries is obviously fraught with consequences at all levels

Taking into account paragraph 95 of the report of visit.[4] Schools in particular should be protected against all forms of political and ideological indoctrination

Taking into account paragraph 96 of the report of visit.[4] Education can play a vital role in preventing intolerance, discrimination, hate and violence (including violence motivated by extremism) by creating and disseminating a culture of tolerance among the masses and the most disadvantaged segments of the population. It can make a decisive contribution to the assimilation of values based on human rights by the use of school curricula and textbooks reflecting principles of tolerance and non-discrimination. This approach has already been adopted to some extent by the Indian authorities in the education sector through dissemination of the values of tolerance and mutual respect, as was confirmed during the course of the mission during visits to schools, in discussions with pupils and teachers and by the perusal of textbooks. However, this approach must be adopted throughout the country to cover India's entire private and public school system in order to develop the awareness of the masses. It is of vital importance that human rights and tolerance should become the concern of all and not remain the exclusive preserve of the elite

Taking into account paragraph 97 of the report of visit.[4] The Special Rapporteur also recommends that the Centre for Human Rights should provide advisory services on the organization at the federal and state level of training courses for teachers in preschool, primary or basic and secondary

educational establishments to make them aware of the importance of teaching the principles of tolerance and non-discrimination based on religion and belief

Taking into account paragraph 98 of the report of visit.[4] As regards Jammu and Kashmir and Punjab, the Special Rapporteur urges all the parties concerned - official and non-official, national and foreign - to act calmly and refrain from exacerbating religious problems in order to ensure that immutable religious principles are not affected by political considerations at the expense of the religious rights of the communities and, more generally, of tolerance and non-discrimination based on religion or belief.

III. REPLIES TO THE FOLLOW-UP TABLES

A. Reply of the Sudanese authorities

6. The response of the Sudanese authorities to each of the recommendations of the Special Rapporteur is as follows:

Recommendation	Comments and measures
1. Legislation	
Taking into account paragraph 135 of the report of visit.[5] With reference to the constitutional provisions concerning the armed forces and the duty of Jihad, because of the ambivalence of the concept of Jihad, which has implications that are both offensive (holy war against infidels) and defensive (response to an attack), and because the authorities have stated that they have opted for the defensive meaning, the Special Rapporteur recommends that those authorities clarify, by means of an interpretative text, the defensive meaning of the term "Jihad" in order to make sure that it is compatible with the international norms to which the Sudan has committed itself	The understanding of the Government of the Sudan to the concept of Jihad is that it is a response to an attack against the country and not a holy war against infidels. The practice and circumstances which reflect such understanding are as follows: (a) The current composition of the armed forces in the Sudan includes both Muslims and non-Muslims; (b) The Garang rebel faction includes Muslims among its ranks; (c) Other rebel groups fighting along the eastern border are wholly Muslim;

Recommendation	Comments and measures
	(d) The government forces have never engaged in any fighting other than countering attacks either from rebels or aggressors Therefore, we do not believe that there is a need to adopt an interpretive text to the concept of Jihad
Taking into account paragraph 136 of the report of visit.[5] With respect to the application of the shariah, especially to non-Muslims, the Special Rapporteur recommends that the constitutional provisions on the judiciary should be supplemented by legislation ensuring that the courts take into account the customary law of non-Muslims as a guiding source of law to the extent, naturally, that such law is compatible with international human rights provisions	The Government of the Sudan has already adopted the recommended measures by providing, in constitutional Decree No. 14 which was promulgated in July 1997, that the sources of legislation are Islamic shariah and the customary practice (of non-Muslims)
Taking into account paragraph 137 of the report of visit.[5] The Special Rapporteur also recommends to the authorities that they ensure the compatibility of legislation on hudud offences with human rights and urges that hudud penalties, because they are of exclusively Islamic origin, should not be applied to persons who are not Muslims	Because haded penalties are of exclusively Islamic origin, as you have rightly observed, Section 5 of the Criminal Act 1991 excludes Southern Sudan from its application. Also, drinking alcohol by non-Muslims in the north is not punishable since the penalty is a haded penalty. Moreover, Muslims in the south are not subjected to hudud penalties, since it is not always practical to apply criminal law on a personal basis

Recommendation	Comments and measures
Taking into account paragraph 138 of the report of visit.[5] On the subject of proselytism, conversion and apostasy, the Special Rapporteur wishes to emphasize the need to respect internationally established norms in the field of human rights, including the freedom to change one's religion and the freedom to manifest one's religion of belief either individually or in community with others and in public or private, subject to any necessary restrictions provided by law	Conversion is not punishable in the Sudan because the Quran mandates that there is no compulsion in religion, but the manifestation of such conversion is punishable within the context of the protection of public tranquillity, as allowed by the internationally established norms in the field of human rights which subject religious freedom to all necessary restrictions provided by law, as you have rightly observed
Taking into account paragraph 140 of the report of visit.[5] With regard to legislation on public order and the treatment of prisoners, the Special Rapporteur recommends that the authorities bear in mind the commitments they have entered into in the field of human rights, in particular those arising out of the ratification of the International Covenant on Civil and Political Rights, especially article 18. On the question of dress, the Special Rapporteur, while emphasizing that traditions and customs, irrespective of their origins, are equally worthy of respect, urges that dress should not be the subject of political regulation and calls for flexible and tolerant attitudes in this regard, so as to allow the variety and richness of Sudanese garments to manifest themselves without constraint. The Special Rapporteur recommends the revision of the Organization of Prisoners and Treatment of Inmates Act (1992), so that any early release is not applied in a discriminatory manner	Allegations regarding dress were all based on the deliberations when the Khartoum State Legislative Assembly was discussing the Public Order Act but, according to the adopted version of the Act, dress is not subject to any political or legal regulation. On the other hand, the law does not allow for an early release to be applied in a discriminatory manner, and if such discrimination is exercised by any government official, that official would be committing an offence. Therefore, if you have any allegations in this connection, we will be most willing to investigate them and take all appropriate legal measures against the official responsible for them

Recommendation	Comments and measures
Taking into account paragraph 141 of the report of visit.[5] On the subject of legislation concerning education, the Special Rapporteur recommends that the State, through the school system, promote the development of a culture of tolerance and non-discrimination	We agree fully with your comment that the State should, through the school system, promote the development of a culture of tolerance and non-discrimination. In fact, the Sudan is the first country to respond positively to a request by the High Commissioner for Human Rights to promote human rights education, by establishing 26 human rights education committees at the state level. At present, the Sudan is waiting for technical assistance from the Centre for Human Rights as provided for in the recent resolution about the Sudan adopted by the Commission on Human Rights. We kindly request you to exert efforts in order to release such assistance for the Sudan, in particular to be used to implement your valuable recommendations
Taking into account paragraph 142 of the report of visit.[5] The Special Rapporteur would be grateful if the Sudanese authorities would inform him of the current status of the Provisional Order and recommends more effective consultation with the churches in order to work out legislation that does not jeopardize the free exercise of religious activities, apart from restrictions legitimately provided for under international law	At the request of the Christian community in the Sudan, the Government has repealed the Missionary Societies Act which was promulgated in 1962, long before the current Government assumed power in 1989. In the light of such a tolerant attitude, the Government welcomes your recommendations in this connection, and it is currently engaged in effective consultation with the churches in order to draft legislation that does not jeopardize the free exercise of religious activities

2. Implementation of the legislation and policy in force

With respect to the situation of the non-Muslim communities, while noting the progress made in certain respects which deserves to be emphasized, the Special Rapporteur must nevertheless express his concern	We believe that the concern you have expressed is well taken care of by the following recent developments:

Recommendation	Comments and measures
	(a) The signature of the Khartoum Peace Agreement with many rebel factions, which provides for religious freedom, bases laws on both Islamic shariah and the customary practices of non-Muslims, bases all rights and obligations on citizenship and gives southern states the right to self-determination;
	(b) The promulgation on July 1997 of Constitutional Decree No. 14 for the prompt and effective implementation of the Khartoum Peace Agreement;
	(c) Establishment of the national and technical committees entrusted with the preparation of the draft constitution which is to be finally approved by all peoples of the Sudan through a referendum
Taking into account paragraph 146 of the report of visit.[5] As regards freedom of religion and belief, the Special Rapporteur considers that there should not be any control that is likely, through limitations and constraints on officials of religion, believers and places of worship, to infringe upon the freedom of belief and the freedom to manifest one's belief	The above-mentioned comments adequately address the freedom of religion and belief

Recommendation	Comments and measures
Taking into account paragraph 147 of the report of visit.[5] The Special Rapporteur considers it essential that any conversion should be the result of free choice and not of constraint. Similarly, the conversion of Muslims to another religion should not give rise to any kind of pressure, restriction or deprivation of freedom with respect to the converted believers and the religious officials of their community	The fourth comment above addresses the subject of conversion of religion
Taking into account paragraph 148 of the report of visit.[5] Concerning the implementation of the legislation on hudud offences, the Special Rapporteur reiterates the recommendations he made in section 1 above, on legislation	Our third comment in section 1 above addresses the implementation of the legislation on hudud
Taking into account paragraph 149 of the report of visit.[5] On the specific question of places of worship, the Special Rapporteur earnestly recommends that all the limitations on the construction of new places of worship be abolished. As regards the destruction of places of worship in the context of urban development plans, it is essential that provision should systematically be made for measures of compensation, in particular by providing sites for the construction of places of worship	We share your earnest views that all limitations on the construction of new places of worship be abolished. Therefore the established legal practice, in cases of destruction of places of worship in the context of urban development plans, is either to pay adequate compensation or to provide better alternative sites. A case in point is the offer made by the Government before the demolition of a temporarily built worship site in the Al-Daroshap neighbourhood, which had been built without obtaining the municipal licence required in urban areas in accordance with city planning

Recommendation	Comments and measures
Taking into account paragraph 150 of the report of visit.[5] It is also necessary that the State should exercise its responsibility with respect to the protection of places of worship, to ensure that such places are shielded from religious extremism, obscurantism and the consequences of the conflict in the south to the Sudan	We fully agree with your viewpoint, since it is the policy of the Government to provide maximum security for the protection of places of worship to ensure that such places are shielded from religious extremism. Therefore, since 1989, only one incident of violence has occurred, and the Government has reacted effectively to that incident by bringing all persons responsible before the law
Taking into account paragraph 151 of the report of visit.[5] With respect to education, the Special Rapporteur emphasizes the need to make allowances for the religious, ethnic and cultural diversity of the Sudanese population and to respect such diversity in the classroom by reflecting it in the curricula and the treatment accorded to the teachers and pupils of the non-Muslim communities	A quick review of the curricula in the Sudan proves that the Government shares your views, since it makes allowances and provides for the religious, ethnic and cultural diversity of the Sudanese population. On the conceptual level, the recently promulgated Constitutional Decree No. 14 acknowledges that the Sudan is a multicultural, multi-ethnic and multi-religious society, and that such diversity should find reflection in all activities of the State
Taking into account paragraph 152 of the report of visit.[5] It is also vital that schools should devise teaching methods that promote tolerance and freedom in order to make the unrestricted enjoyment of rights and freedoms available to all	The constitutional acknowledgement of religious, ethnic and cultural diversity referred to above obliges all schools to devise teaching methods that promote tolerance and freedom in order to make the unrestricted enjoyment of rights and freedoms available to all. We expect to receive technical assistance from the Centre for Human Rights to build our capacities in that connection. In fact, we have already approached the Centre for such assistance, and Mr. Gaspard Biro has supported our request

Recommendation	Comments and measures
Taking into account paragraph 153 of the report of visit.[5] On the subject of protection of the individual, the Special Rapporteur wishes to recall that the physical and moral integrity of individuals must not be threatened, in particular on grounds of faith or belief	We have already alluded to the recent constitutional provisions which guarantee that the physical and moral integrity of individuals should not be threatened, in particular on grounds of faith or belief. And there are many guarantees already included in the existing laws
Taking into account paragraph 154 of the report of visit.[5] The Special Rapporteur notes the measures to ease restrictions cn the travel of Sudanese and foreign religious officials and on the distribution of religious publications. The Special Rapporteur encourages the extension of these positive measures in order to enable non-Muslim Sudanese to avail themselves of all the rights and freedoms associated with citizenship	The measures undertaken to ease restrictions on the travel of Sudanese and foreign religious officials and on the distribution of religious publications, which were noted by you, have recently been extended to the maximum, by basing all rights and obligations on citizenship and not on religious, ethnic or other affiliation
Taking into account paragraph 155 of the report of the visit.[5] Concerning the situation of Muslims, the Special Rapporteur appeals for the various Muslim brotherhoods to be respected. He wishes, however, to specify that religious freedom, in accordance with international law, should be a means of promoting tolerance and should not provide a basis for justifying obscurantism	Concerning the situation of Muslims, the Government shares the views that all Muslim brotherhoods should be respected and it is government policy to make religious freedom a means of promoting tolerance. A recent application of such policy is evidenced by the celebration of the occasion of the birth of the prophet Mohammed where more than 30 Muslim religious sects were allowed to celebrate the occasion in the manner they deemed appropriate

Recommendation	Comments and measures
Taking into account paragraph 156 of the report of the visit.[3] The Special Rapporteur recommends that the religious activities of the various Muslim brotherhoods should be conducted in full freedom, subject to restrictions provided for by internationally established standards and any restrictions to combat violence, extremism and obscurantism	The immediately preceding paragraph adequately addresses this aspect
Taking into account paragraph 157 of the report of the visit.[3] Sermons should be the sole responsibility of the religious officials, who should be able to perform their religious activities and choose their own means of expression without any pressure, prohibition or interference with their freedom	The paragraph mentioned above adequately addresses this aspect
Taking into account paragraph 158 of the report of the visit.[3] The Special Rapporteur also considers that special efforts should be made with respect to places of worship, which should be a forum for religious matters alone, not political ones, and, as places of meditation and prayer, should be protected from political tensions and controversy. The Special Rapporteur earnestly recommends that all of the prohibitions and limitations imposed on the places of worship of the Muslim brotherhoods should be abolished. Similarly, all the community property confiscated, particularly from the Ansar Order, should be returned	There are no prohibitions or limitations imposed on the places of worship of Muslims, and the Government is protecting such places from political tensions and controversy. If you are aware of any such prohibitions and limitations, the Government is ready to abolish them. Likewise, the community property has not been confiscated, but it is protected from political exploitation, particularly the property of the Ansar Order. Ansar are free to practise their religious activities in such property. Moreover, the Government has taken the initiative to build a new university in the name of Mohamed Ahmed Elmahdi, the founding father of the Ansar Order

Recommendation	Comments and measures
Taking into account paragraph 159 of the report of the visit.[9] The State is also called upon to exercise its full responsibility with respect to the protection of places of worship and to any criminal acts of destruction or desecration. All manifestations of hatred and intolerance and all acts of violence, intimidation or coercion motivated by religious extremism or intolerance of the religion or belief of others must be condemned and punished	Our previous comments address this aspect adequately and show that the Government shares your views in this connection
Taking into account paragraph 160 of the report of the visit.[9] On the subject of protection of the individual, the Special Rapporteur earnestly hopes that restrictions on the freedom of movement of religious officials will be lifted and that the campaigns of harassment and intimidation directed against them, which are also prejudicial to their followers, will cease, thus enabling the Muslim brotherhoods to realize their full potential without fear, constraint or self-censorship, subject, of course, to respect for public order and the law and the avoidance of violence, extremism and obscurantism	In fact, there are no restrictions on the freedom of movement of religious dignitaries and officials. Sayed Mohamed Osman Elmirghani, the leader of the Khatmia sect, who is now leading armed opposition against the Government, left the country through Khartoum Airport after having obtained an official exit visa. Also Sayed Sadig Elmahdi of the Ansar sect left the country, less than one year ago, without even obtaining an exit visa, and if the Government were interested in restricting his movement it could have taken effective measures in that connection
Taking into account paragraph 161 of the report of the visit.[9] The Special Rapporteur considers that the overall policy emphasizing tolerance that has been publicly declared by the authorities should be unambiguously and unambivalently affirmed with greater determination and be followed by specific progress within Sudanese society towards religious, cultural and ethnic diversity.	As you had hoped for, the overall policy emphasizing tolerance that has been publicly declared by the Government has been unambiguously affirmed with greater determination and has been followed by specific progress towards religious, cultural and ethnic diversity, by the inclusion of such policy in the Khartoum Peace Agreement and Constitutional Decree No. 14 of July 1997.

B. Reply of the Pakistan authorities

7. The response of the Pakistan authorities to each of the recommendations of the Special Rapporteur is as follows:[*]

Recommendation	Comments and measures
Blasphemy as an offence against belief may be subject to special legislation. However, such legislation should not be discriminatory and should not give rise to abuse, nor should it be so vague as to jeopardize human rights, especially those of minorities. If offences against belief are made punishable under ordinary law, then a procedural guarantee must be introduced and a balanced attitude must be maintained. While protecting freedom of conscience and freedom of worship is clearly a necessity, applying the death penalty for blasphemy appears disproportionate and even unacceptable. The Special Rapporteur endorses the Government's proposal to amend procedural aspects of the blasphemy law and would encourage it not only to give effect to this proposal, but also to go further in amending the law on blasphemy and more generally on religious offences in accordance with the views expressed above. The Special Rapporteur believes that in any event some practical measures, especially administrative and educational, should be implemented pending more substantial constitutional and legislative changes	The Government of Pakistan agrees with the Special Rapporteur. Blasphemy law does not discriminate against Muslims and non-Muslims. It is applicable to all segments of the society and to all religious denominations in Pakistan. Those charged under it have been Muslims as well as non-Muslims. The Government is actively considering changes in the law to deter false and fabricated cases and to punish those indulging in false accusation. Through various administrative measures, such as converting the offence to a non-cognizable one where a case can be registered only after the approval of the Sessions Judge and not directly by the police, the number of cases reported under blasphemy laws has been greatly reduced. The National Commission for Minorities is already examining the issue raised by the Special Rapporteur. It is to be appreciated that the issue is a very delicate one and needs the greatest amount of caution and vision

Recommendation	Comments and measures
The Special Rapporteur recommends that the authorities should check that hudud ordinances are compatible with human rights and urges that hudud penalties, because they are exclusively Muslim, should not be applied to non-Muslims. He also recommends establishing legislation on non-discriminatory evidence and advocates a single electoral system, involving all citizens without distinction, especially based on religion	A committee headed by Justice Saad Saeed Jan is looking into the first point. The hudud laws and the procedure for such punishment is more humane than any other existing law. The standard of proof under the hudud laws form a part of public law which is applicable to all citizens equally. An extremely tough standard has been prescribed to prove offences under these laws. The system of separate electorates has been changed to accommodate the concerns of the Special Rapporteur. All Muslim and non-Muslim communities were able to participate in the national elections held in February 1997 through universal adult franchise
With regard to proselytizing, conversion and apostasy, the Special Rapporteur wishes to draw attention to the need to abide by international standards laid down in the field of human rights, including freedom to change religion and the freedom to manifest one's religion or belief, either individually or in community with others, in public or in private, subject only to limitations prescribed by law	There is no restriction on the change of religion. The Ahmadis have converted to their faith from Islam. As far as a manifestation of one's belief is concerned, this is guaranteed in the Constitution of the country. The Constitution provides freedom to profess religion, manage religious institutions and educational institutions
The Special Rapporteur considers that no mention of religion should be included on passports, on identity cards, application forms or on any other administrative documents. Deletion of the statement required of Muslims regarding non-recognition of Ahmadis as Muslims in passport application forms is strongly recommended	There is no column on religion on the national identity cards. The entry with respect to religion is made in the passport to enable Muslims to go for Hajj

Recommendation	Comments and measures
The Special Rapporteur has strongly recommended that all cases of abuse or rape against girls and women, especially those belonging to minorities, should be duly punished. In this respect, the duty of the police authorities to carry out lawful arrests and searches should be recalled and applied in practice. Similarly, police officers should be held personally responsible, under both civil and criminal law, for arbitrary arrest or detention. An indisputable record must be kept of any arrest/detention and the reason for it, while all legal proceedings and guarantees must be complied with	Rape is a crime which is condemned irrespective of whoever is the victim. Prime Minister Nawaz Sharif has taken a very serious view of crimes committed against women. The election manifesto of his party called for the death sentence for those involved in gang rape. This severe punishment, which has now been legalized through a Presidential Ordinance, only highlights the extreme abhorrence towards this crime. Great attention is also being paid to the restructuring of the police force. A committee has been set up to present proposals to the Prime Minister to make the police more accountable. In the meantime, records, such as ones recommended by the Special Rapporteur, are already kept
Victims should be informed as to the proceedings and guarantees provided by law	This is already being done
The Special Rapporteur considers that there is an urgent need to inculcate a spirit of tolerance and freedom in order to ensure that rights and liberties are enjoyed by all. The role of the State in this respect is fundamental and inescapable. There can be no real and lasting progress as regards tolerance while the greater part of the population remains illiterate and as long as the school system, the family, the media and religious practices (regardless of persuasion) are not called upon to make a fundamental effort to bring about a change of attitude and to ensure that the culture of tolerance is developed and strengthened. The	The Government of Pakistan concurs with the Special Rapporteur and understands all too well the urgent need for fostering a culture based on tolerance and freedom. Pakistan has unfortunately become a target of terrorist activities. The Government is making all efforts to clean the country of this scourge. It requires a great deal of patience, firm handling and increasing the literacy levels. Efforts are being made on all these fronts. The point made regarding the mass media by the Special Rapporteur is well taken. Radio and television are now being used to spread the message of peace and tolerance

Recommendation	Comments and measures
State could also play a more active role in making public opinion more aware of the culture of tolerance. With the encouragement of the State, mass communication media should help more effectively to combat all forms of intolerance based on religion or belief	
The Special Rapporteur considers that it would be appropriate to implement the programme of advisory services to the Centre for Human Rights and recalls the recommendations contained in his report.[3] Suitable training of police and administrative staff in human rights, especially in the field of religious freedom, would be very welcome	The proposal is under active consideration. The police are given some training in human rights but the police reform exercise is expected to include implementation of suggestions of education in human rights and fundamental freedoms
With regard to religious extremism, in accordance with Commission on Human Rights resolution 1995/23,[7] the Special Rapporteur encourages the Government to restrain it and to take appropriate measures in conformity with the law	Pakistan has suffered greatly at the hands of extremist elements. The Government is convinced that these elements must be restrained. Serious consideration is being given to the formulation of a strategy to deal with those elements that spread discord in the society
By adopting and applying appropriate legislation, the State should guarantee the neutrality of places of worship and shelter them from political excesses and ideological and partisan struggles	This is highly desirable. Such a legislation would require some time in view of the presence of legislators of all shades and persuasions. A tough approach could also be construed as an infringement on the right to religious freedom

Recommendation	Comments and measures
Official educational policy should be set out in an appropriate framework legislation aimed at combating illiteracy more effectively and advocating values based on human rights and tolerance, with the purpose of achieving a balanced development of the personality, avoiding the extremes of domination and submission on the one hand and religious tendencies on the other	Efforts towards this end are being made
The legislation concerning political parties should ensure that long-standing religious values are not interfered with by short-term political interest	This under consideration by the new Government
The Special Rapporteur requests that the authorities in all circumstances ensure the operation of justice by protecting the courts from the pressures of demonstrations and crowds.	The events over the past year have proved the independence and impartiality of the Courts and the judiciary.

Notes

[1] A/51/542/Add.1.

[2] General Assembly resolution 36/55 of 25 November 1981.

[3] See E/CN.4/1995/91.

[4] E/CN.4/1997/91/Add.1.

[5] A/52/542/Add.2.

[6] The report on the visit by the Special Rapporteur to Pakistan is contained in document E/CN.4/1996/95/Add.1.

[7] See Official Records of the Economic and Social Council, 1995, Supplement No. 23 (E/1995/23-E/CN.4/1995/176 and Corr.1-2 and Add.1), chap. II, sect. A.